



## MEMORANDUM

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**To:** Honorable Marianne B. Bowler, U.S. Magistrate Judge  
**From:** Judith Oxford, Drug/Alcohol Treatment Specialist  
**Re:** HERLIHY, Timothy  
CR# 04-10167-RGS  
**Date:** August 4, 2005

Please refer to my memorandum to Your Honor on June 29, 2005 regarding Mr. Herlihy's five positive drug tests for heroin. Mr. Herlihy appeared before Your Honor on July 11, 2005, for a bail violation hearing. Your Honor addressed Mr. Herlihy's violations and indicated that the Court would allow Mr. Herlihy one more opportunity to get involved with his recovery program. Additionally, the Court allowed Mr. Herlihy to move to his father's residence in Danvers, MA.

Mr. Herlihy's conditions were amended to drug testing on Monday, Wednesday and Fridays. He was instructed to reside at 19 Tibbetts Road, Danvers, MA.

Mr. Herlihy reported as required on August 1, 2005 for drug testing. The onsite TEST CUP proved positive for morphine. Mr. Herlihy denied any drug use. The TEST CUP was forwarded to Scientific Testing Laboratory in Virginia for confirmation testing.

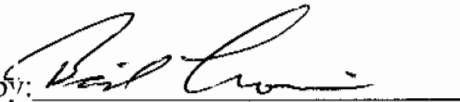
On August 3, 2005, Mr. Herlihy reported again for drug testing. He spoke to this officer prior to the administering of the TEST CUP. Mr. Herlihy admitted that on July 30, 2005, he used heroin. He indicated that he has not used since. He indicated that he wants to remain abstinent but can't seem to do this. He would like to get involved in an Intensive Outpatient Program. Mr. Herlihy indicates that he attends approximately 4 Alcoholics Anonymous meetings per week. He has a sponsor and called his sponsor following his taking heroin. Mr. Herlihy has the means to pay for outpatient counseling but has not contacted services yet. Pretrial Services gave Mr. Herlihy the telephone number of an agency in Salem, MA.

Pretrial Services recognizes the difficulty Mr. Herlihy has in remaining abstinent. The concern is that treatment staff and Pretrial Services make recommendations or suggestions as to what Mr. Herlihy should be doing to develop a recovery routine. However, he doesn't take action. Once again, Mr. Herlihy has indicated to Pretrial Services that he intends to follow through with the suggestions. Mr. Herlihy has had the benefit of inpatient treatment, intensive outpatient treatment, and group therapy. He would appear to have the tools of sobriety, but is not utilizing those tools.

Mr. Herlihy's sentencing date has been continued until September 29, 2005. Pretrial Services respectfully requests a hearing so that Mr. Herlihy can show cause why his bail should not be revoked.

JAO

Reviewed by:

A handwritten signature in cursive script, appearing to read "Basil Cronin", is written over a horizontal line.

Basil Cronin, Supervising  
Pretrial Services Officer